

“(c) SPECIAL RULES IN CASE OF CHILDREN’S HEALTH ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C, and part D insofar as it applies to section 2752 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section.”.

### SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

#### “SEC. 713. CHILDREN’S HEALTH ACCOUNTABILITY STANDARDS.

“(a) IN GENERAL.—Subject to subsection (b), the provisions of part C of title XXVII of the Public Health Service Act shall apply under this subpart and part to a group health plan (and group health insurance coverage offered in connection with a group health plan) as if such part were incorporated in this section.

“(b) APPLICATION.—In applying subsection (a) under this subpart and part, and reference in such part C—

“(1) to health insurance coverage is deemed to be a reference only to group health insurance coverage offered in connection with a group health plan and to also be a reference to coverage under a group health plan;

“(2) to a health insurance issuer is deemed to be a reference only to such an issuer in relation to group health insurance coverage or, with respect to a group health plan, to the plan;

“(3) to the Secretary is deemed to be a reference to the Secretary of Labor;

“(4) to an applicable State authority is deemed to be a reference to the Secretary of Labor; and

“(5) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.”.

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking “subsection (b)” and inserting “subsections (b) and (c)”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

“(c) SPECIAL RULES IN CASE OF PATIENT ACCOUNTABILITY REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on group health plans and health insurance issuers in connection with group health insurance coverage as the requirements imposed under such provisions.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking “section 711” and inserting “sections 711 and 713”.

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

“Sec. 713. Children’s health accountability standards.”.

### SEC. 4. STUDIES.

(a) BY SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall conduct a study, and prepare and submit to Congress a report, concerning—

(1) the unique characteristics of patterns of illness, disability, and injury in children;

(2) the development of measures of quality of care and outcomes related to the health care of children; and

(3) the access of children to primary mental health services and the coordination of managed behavioral health services.

(b) BY GAO.—

(1) MANAGED CARE.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study, and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report, concerning—

(A) an assessment of the structure and performance of non-governmental health plans, medicaid managed care organizations, plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and the program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) serving the needs of children with special health care needs;

(B) an assessment of the structure and performance of non-governmental plans in serving the needs of children as compared to medicaid managed care organizations under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) the emphasis that private managed care health plans place on primary care and the control of services as it relates to care and services provided to children with special health care needs.

(2) PLAN SURVEY.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains a survey of health plan activities that address the unique health needs of adolescents, including quality measures for adolescents and innovative practice arrangement.

#### THE CHILDREN’S HEALTH INSURANCE ACCOUNTABILITY ACT SUMMARY

##### ACCESS TO APPROPRIATE PRIMARY CARE PROVIDERS

Health plans that require designation of a primary care provider shall permit enrollees to designate a physician who specializes in pediatrics.

##### ACCESS TO PEDIATRIC SPECIALTY SERVICES

Health plans must demonstrate the capacity to adequately serve child enrollees through an appropriate mix, quantity and access to pediatric and child health specialists, including centers of excellence and tertiary care centers for children. Health plans’ definition of specialist must include pediatric specialty in the case of care for children. Health plans shall also establish procedures through which an enrollee with a condition that requires ongoing care from a pediatric specialist may obtain a standing referral to that specialist. Health plans must have a process for selecting a specialist as primary care provider.

##### CONTINUITY OF CARE

Enrollees who are being treated for a serious or chronic illness are allowed to continue receiving treatment from their specialists for a period of time if their physician is terminated from the plan or if their health plan is changed by the employer and the enrollees no longer have the option of continuing to receive care from their previous physician specialist.

##### EMERGENCY CARE

The bill requires the “prudent layperson” standard for access to emergency services for children.

#### SPECIAL PROVISION FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

Plans must have in place procedures for the provision of services to enrollee children with special health care needs. This would include a requirement of participation by families of such children in the development of those procedures and a treatment plan.

#### INTERNAL AND EXTERNAL APPEALS AND GRIEVANCES

The legislation requires internal and independent external appeals and grievance procedures that require review by appropriate pediatric experts. Such a system shall also provide for expedited procedures for a child enrollee in situations in which the time frame of a standard appeal would jeopardize the life, physical or mental health, or development of the child.

#### DISCLOSURE OF HEALTH INFORMATION

The health plan must provide information to consumers that includes measures of structures, processes and outcomes in a manner that is separate for both the adult and child enrollees using measures that are specific to each group.

#### CONTINUOUS QUALITY IMPROVEMENT

Each health plan must have an ongoing internal quality assurance program that measures health outcomes that are unique to children.

#### UTILIZATION REVIEW

Plans must maintain written protocols that are specific to children with evaluation from those with expertise in pediatrics. Utilization review criteria must be established with input from those with expertise in pediatrics.

#### STUDIES

The legislation requires studies on (1) the characteristics of illness in children and the development of quality of care measures and outcomes related to the health care of children; (2) how private and public managed care plans are serving children with special health care needs; and, (3) health plans activities that address the unique health needs of adolescents; and, (4) children’s access to mental health services.

#### ADDITIONAL COSPONSORS

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1069, a bill entitled the “National Discovery Trails Act of 1997.”

S. 1283

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the “Little Rock Nine” on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific,

medical, and pre-competitive engineering research.

S. 1321

At the request of Mr. TORRICELLI, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1737

At the request of Mr. MACK, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

#### SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enslaved people in the occupied area of Cyprus.

#### SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

#### SENATE RESOLUTION 198

At the request of Mr. MACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of Senate Resolution 198, a resolution designating April 1, 1998, as "National Breast Cancer Survivors' Day."

### NOTICES OF HEARINGS

#### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION.

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation.

The hearing will take place on Thursday, May 7, 1998, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on titles VI, VII, VIII, and XI of S. 1693, a bill to renew, reform, reinvigorate, and protect the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic

Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161 or Shawn Taylor at (202) 224-6969.

#### SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Water and Power, of the Energy and Natural Resources Committee to receive testimony regarding S. 1515, a bill "To amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes," has been postponed.

The hearing was scheduled to take place on Tuesday, March 31, 1998, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC, and will be rescheduled later.

For further information, please call Jim Beirne, senior counsel (202) 224-2564 or Betty Nevitt, staff assistant at (202) 224-0765.

### ADDITIONAL STATEMENTS

#### JUDGE T. EMMET CLARIE

• Mr. DODD. Mr. President, when my father served in the Senate, he felt that one of his most important responsibilities was recommending individuals to serve on the federal bench. He took great care in choosing the most qualified individuals to serve these life-long appointments. His selections were a source of pride, but none greater than Judge T. Emmet Clarie. Judge Clarie was appointed to the federal bench in 1961, and he served our state and the country honorably for more than three decades as a U.S. District Judge. Sadly, Judge Clarie recently died at the age of 84.

Upon his passing, Judge Clarie was praised by all those who knew him. One of his clerks referred to him as "a second father." Another said that they "learned much more working for him than they ever did in law school." A third called him "the best teacher of lawyering you could imagine."

This admiration was shared by his colleagues on the bench. He was described by his peers as "a judge's judge" and "a model and an inspiration to all his judicial colleagues."

Judge Clarie's career of public service extended far beyond the federal bench. He taught high school to help pay his way through law school. He served as chairman of the Killingly Board of Education from 1938 to 1961. He was a state legislator for six years.

He also served as clerk of the Connecticut Senate, prosecutor of the Killingly Town Court, and Commissioner of State Liquor Control Commission.

The Judge was a skilled legal thinker, and he presided over perhaps the most complex criminal case in Connecticut history: the armed robbery of a Wells Fargo truck by foreign nationalists. But he will always be remembered for his common sense, his no-nonsense style, his fundamental fairness, more than anything else. When presiding over the case that involved the theft of millions of dollars and terrorists who were trying to fund a revolution, Judge Clarie saw beyond the defendants' hype and insisted all the while that they would be tried as simple robbers. He said, "Common crimes do not become political crimes simply because the criminal is a would-be politician."

Judge Clarie may have sat on one of the highest courts in the land, but he never forgot his roots. He lived in eastern Connecticut for practically his entire life, and he commuted more than 100 miles round-trip every day from his farm home in Danielson to his courtroom in Hartford. The Judge said that he needed to return to the country to be "refreshed" every night. His roots helped shape his philosophy toward the law. He said: "If the law is to mean anything, it means that all people—little and big—must comply with it."

T. Emmet Clarie was a straightforward jurist who brought a tremendous sense of fairness and equity to the bench. He was also a caring and honorable man who dedicated his entire life to public service and went out of his way to help others. The State of Connecticut is better for his service, and all those who were fortunate to know this great man will miss him dearly. •

### JAPAN'S ROLE IN THE ASIAN FINANCIAL CRISIS

• Mr. ROTH. Mr. President, earlier this week, I addressed an audience at the Center for Strategic and International Studies on the Asian financial crisis and the critical role Japan needs to play in bringing that crisis to an end. While Japan has made bilateral assistance available to the countries most affected, Japan clearly is not facing up to the challenges presented by its own economic problems, let alone those of the region as a whole.

Japan still constitutes more than two-thirds of East Asia's GDP. Regional recovery, therefore, is impossible without economic growth in Japan. Quite simply, the countries of the region in most dire condition need markets for their goods, and the United States alone cannot serve as the world's only major engine of growth. For Japan's own good, and for the good of the region and the global economy, Tokyo must serve as a second engine of growth.

Unfortunately, Tokyo's economy remains mired in its seventh straight